



Opportunity
Ahead

MCAS EL TORO LOCAL REDEVELOPMENT AUTHORITY • Janice M. Mittermeier, Executive Director
MCAS EL TORO MASTER DEVELOPMENT PROGRAM • Michael L. Lapin, Manager

February 17, 2000

Triss M. Chesney, P.E.
Remedial Project Manager
Office of Military Facilities, Southern California Branch
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

Dear Mr. Chesney:

Thank you for the opportunity to provide input on the proposed remediation of soil and groundwater at Marine Corps Air Station El Toro, Operable Unit 3B, Installation Restoration Program Site 16. Our office has prepared a preliminary list of ARARs that we believe may be applicable to the remediation of Site 16, a copy of which is attached.

As you know, identification of ARARs is a complex process that is driven, in large part, by the nature of the remedy selected for implementation. The cleanup of this site is still in the early stages, with only the remedial investigation having been completed thus far. As such, it is important to stress that the attached list is only a preliminary list of potential ARARs. As work progresses, we anticipate providing additional comments concerning ARARs and other aspects of the remedy proposed for Site 16 by the Department of Navy (DON).

Again, we appreciate the opportunity to provide these initial comments, and look forward to working closely with the Department of Toxic Substances Control to ensure that the most appropriate remedy for Site 16 is selected and implemented by DON. If you have any questions, please feel free to call me or Polin Modanlou of my staff at (714) 834-3156.

Sincerely,

Michael L. Lapin, Manager
MCAS El Toro Master Development Program

cc: Glenn Kistner, USEPA
Dean Gould, BRAC
Patricia Hannon, RWQCB
Steve Sharp, LEA

Attachment



**PRELIMINARY LIST OF POTENTIALLY APPLICABLE ARARS
MCAS El Toro, Operable Unit 3B, Site 16**

I. CHEMICAL-SPECIFIC ARARS

A. Resource Conservation and Recovery Act

1. Definition of RCRA hazardous waste; TCLP, TTLC and STLC regulatory levels: 22 Cal. Code Regs. §§ 66261.21, 66261.22(a), 66261.23, 66261.24(a)(1) and 66261.100.
2. Groundwater and vadose protection standards: 22 Cal. Code Regs. § 66264.94.

B. Cal-EPA Department of Toxic Substances Control

1. Definition of non-RCRA hazardous waste; TTLC and STLC regulatory levels: 22 Cal. Code Regs. §§ 66261, 66261.22(a)(3)-(4), 66261.24(a)(2)-(8), 66261.101, 66261.3(a)(2)(C) and 66261.3(a)(2)(F).
2. State MCL list: 22 Cal Code Regs. §§ 64435 and 64444.5.
3. State SMCL list: 22 Cal. Code Regs § 64473.
4. State action levels

C. State and Regional Water Quality Control Board

1. Groundwater quality protection:
 - a) Porter-Cologne Water Quality Control Act: Cal. Water Code §§ 13000, 13176, 13263, 13750 and 13751.
 - b) Comprehensive Water Quality Control Plan for the Santa Ana Basin: Cal. Water Code § 13240.
 - c) Policies regarding sources of drinking water: SWRCB Resolution No. 88-63 and Regional Board Resolution 89-42.
 - d) Policies and procedures for investigation, cleanup and abatement of discharges: Cal. Water Code §§ 13304, 13307; SWRCB Resolution 92-49.

- e) Policies regarding maintenance of high quality waters in California: Cal. Water Code § 13140; SWRCB Resolution No. 68-16; Clean Water Act regulations, 40 CFR §131.12.

D. Orange County Fire Department

E. Orange County Health Care Agency

II. LOCATION-SPECIFIC ARARS

A. Hazardous Waste Control Act

- 1. Facilities constructed within floodplain: 22 Cal. Code Regs. § 66264.18(b).

B. Executive Order 11988

- 1. Protection of floodplains: 40 CFR Part 6.

C. California Endangered Species Act

- 1. Release of waters of the state: Cal. Fish & Game Code §§ 5650(a), (b) and (f).
- 2. Take of birds and mammals: Cal. Fish & Game Code § 3005.
- 3. Protection and conservation of fish and wildlife resources: Cal. Fish & Game Code §§ 1600, 1601 and 1603.
- 4. Endangered species habitat: Cal. Fish & Game Code §§ 2090 - 2096.
- 5. Endangered species habitat: Cal. Fish & Game Code § 2080.
- 6. Aquatic and Wildlife Species/Habitats: Cal. Fish & Game Code § 2014.
- 7. Rare native plants: Cal. Fish & Game Code §§ 2080 and 1908.
- 8. Wetlands: Fish and Game Commission Wetlands Policy (adopted 1987 and included in addenda to Cal. Fish & Game Code).

D. California Coastal Act of 1976

1. Coastal zone: Cal. Pub. Res. Code §§ 30000-30900;
14 Cal. Code Regs. §§ 13001 - 13666.4.

III. ACTION-SPECIFIC ARARS

A. Resource Conservation and Recovery Act

1. Determination of waste characteristics: 22 Cal. Code Regs. §§ 66262.10(a); 66262.11.
2. Transportation of hazardous wastes: 22 Cal. Code Regs. §§ 66262.30 - 66264.33.
3. Hazardous waste accumulation: 22 Cal. Code Regs. § 66264.34.
4. Storage of wastes: 22 Cal. Code Regs. §§ 66264.171 through 66264.175.
5. Removal of wastes; decontamination of containers: 22 Cal. Code Regs. § 66264.178.

B. Clean Air Act

1. Discharges to air: 40 U.S.C. § 7410; portions of 40 CFR Part 52.
2. New/modified sources of air pollution: SCAQMD Rule 1303.

C. South Coast Air Quality Management District

1. Nuisance standard that states a person shall not discharge from any source such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public: SCAQMD Rule 402.
2. Visible emissions: SCAQMD Rule 401.
3. Fugitive dust: SCAQMD 403.
4. New/modified sources of air pollution: SCAQMD Rule 1401.
5. All new sources of air pollution that may result in a net emission increase of any nonattainment air containment or

any halogenated hydrocarbons is to employ best available control technology (BACT): SCAQMD Rule 1303.

6. Permit to construct and permit to operate: SCAQMD Rules 201 and 203.
7. Volatile organic compound emissions from decontamination of soil: SCAQMD Rule 1166.

D. State Water Resources Control Board and Regional Water Quality Control Board

1. Water Quality Control Plans establishing beneficial uses and numerical and narrative standards to protect both surface water and groundwater quality:
 - a) Porter-Cologne Water Quality Control Act: Cal. Water Code §§ 13000, 13176, 13263, 13750 and 13751.
 - b) Comprehensive Water Quality Control Plan for the Santa Ana Basin: Water Code §13240.
 - c) Policies and procedures for investigation, cleanup and abatement of discharges: Cal. Water Code § 13304, 13307; SWRCB Resolution 92-49.
 - d) Policies regarding maintenance of high quality waters in California: Cal. Water Code §13140; SWRCB Resolution No. 68-16; CWA regulations, 40 CFR §131.12.
2. Permitting and testing of underground tanks; requirements for corrective action of discharges from tanks: Cal. Health & Safety Code, Division 20, Chapter 6.67; 23 Cal. Code Regs., Division 3, Chapter 16.
3. Guidance on allowable levels of petroleum hydrocarbons in soil: SWRCB, LUFT manual.

E. California Health and Safety Code

1. Emergency response plans for businesses handling hazardous materials: Cal. Health & Safety Code, Division 20, Chapter 6.95.

2. Regeneration of spent carbon: Cal. Health & Safety Code
§ 25142.2.

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